

HB 4593 and HB 4595: Metal Theft Bills

Increased Accountability and Added Tools for Law Enforcement

- Scrap Metal transactions and their transaction requirements now includes **BOTH ferrous (iron and steel) and nonferrous metal (copper, brass, platinum-based metal, aluminum, bronze, lead, zinc, nickel, mixed alloy, etc)**
 - Expands current nonferrous penalties to include ferrous metal transactions
- **3-Day Delayed Payment** for the following items,
 - 1. **Catalytic Converters**
 - 2. **Air Conditioners, AC evaporator coils, AC condensers, or parts of both**
 - 3. **Copper Wire**
 - A dealer must wait 3 days to pay through direct deposit or electronic transfer to the seller's account at a financial institution OR by mailing a check or money order (payable to seller) to a street address (not a PO box) OR by in-person pick up from the dealer.
- Requires dealers to train employees on legal requirements of this act
- Scrap Dealers must now **identify which employee weighed and inspected the material**
- Records, including **photo or video still of the scrap metal purchased**, and the **name of the scrap dealer** who authorized the transaction must be taken if the seller is not a commercial or fixed business entity.
- Expands **DO NOT PURCHASE** list to:
 - **Materials clearly marked as belonging to someone else**
 - **Public Fixtures**
 - **Commemorative, decorative, or other cemetery- related materials**
 - **Railroad materials**

Reducing the Burden on Industry

- **Eliminates current prohibition of barter** between regular customers and commercial customers (Allowing customers to perform the service of metal removal from a donor's site in exchange for the monetary value of the materials for scrapping)
- **Eliminates 7 day tag** and hold that dealers must currently conduct on certain items
- Ensures legitimate sellers can recycle by **eliminating current law requiring scrap metal to be delivered in a licensed motor vehicle**.
- Adds language **protecting scrap metal facilities from treble damage liability** unless a court finds that the property was stolen and that the purchaser/seller knew or should have known that the property was stolen.
- Adds language **allowing for an affirmative defense** in an action brought against a scrap metal dealer for an electronic system malfunction if the dealer diligently works to repair the malfunction and implemented and maintained a manual record keeping system during the time the electronic system was not functioning.

Interested Parties

Supporters

**Governor Rick Snyder
Michigan Farm Bureau
DTE
Consumers Energy
ITC Transmission Company
AT&T
Michigan Credit Union League
Michigan Department of Licensing and Regulatory Affairs (LARA)
Michigan Municipal League (MML)
Michigan Dairy Food Association
Michigan State Police
Michigan Dept. of Transportation
Michigan Historical Preservation Network
Michigan Property Casualty Insurers Association
Michigan Bankers Association
Michigan Association of Realtors
Michigan Townships Association
Michigan Vacant Property Campaign
Michigan Railroad Association
Michigan Association of Chiefs of Police
Prosecuting Attorneys Association of Michigan
Sanilac County Sherriff's Office
Sanilac County Drug Task Force
Sanilac County Prosecutor's Office
St. Clair County Sheriff's Office
City of Detroit
City of Ecorse
City of River Rouge
City of Inkster
City of Brown City
City of Peck
City of Port Huron
City of Sandusky Police Department
Oakland County
Detroit Police Department
Detroit Crime Commission
Detroit International Bridge Company
Hamtramck Sheriff Max Garbarino
Preservation Detroit
Wayne County Prosecutor's Office
Father Russ Kohler of St. Anne's and Holy Trinity Catholic Church
Southwest Detroit Business Association
Rental Properties Owners Association**

Neutral

**Institute of Scrap Recycling Industries (ISRI)
Responsible Recyclers Association**